

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DONSHAY FALLS)
)
v.) No. 3:14-00325
) JUDGE CAMPBELL
UNITED STATES OF AMERICA)

ORDER

Pending before the Court is a Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, Or Correct Sentence (Docket Nos. 1, 26; Docket No. 1 in Case No. 3:14-01437), filed by the Movant/Petitioner, pro se.¹ The Government has filed a Response (Docket No. 6) to the Motion. For the reasons set forth in the accompanying Memorandum, the Petitioner's Motion To Vacate (Docket Nos. 1, 26; Docket No. 1 in Case No. 3:14-01437) is DENIED, and this action is DISMISSED. As this Memorandum and Order also disposes of the claims in Case No. 3:14-01437, the Clerk is directed to close that case.

This Order shall constitute the judgment in this case pursuant to Fed. R. Civ. P. 58.

Should the Petitioner give timely notice of an appeal from this Memorandum and Order, such notice shall be treated as a application for a certificate of appealability, 28 U.S.C. 2253(c),

¹ After filing the Motion To Vacate in this case, the Petitioner filed a document entitled "IAC Motion To Vacate, Set Aside Or Correct" (Docket No. 1 in Case No. 3:14-01437), which the Clerk filed as a separate case. The Court subsequently entered an Order in that case directing the Petitioner to file a notice stating whether he intended the filing to be a new case or to be considered as part of the pending Motion To Vacate in this case. (Docket No. 2 in Case No. 3:14-01437). The Petitioner did not file such a notice, but subsequently filed a document in this case seeking to "amend" and "supplement" his Motion To Vacate. (Docket No. 26). Thus, the Court will assume the Petitioner seeks to raise all his claims in this case, and will address all claims raised by the Petitioner in his filings through this Memorandum and Order.

which will not issue because the Petitioner has failed to make a substantial showing of the denial of a constitutional right. Castro v. United States, 310 F.3d 900 (6th Cir. 2002).

It is so ORDERED.

Todd Campbell
TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE